

### **REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 1-4 and 22-24 are now present in this application, of which claim 1 is independent. By this amendment, claims 5-18 have been cancelled, without prejudice or disclaimer, and claim 1 has been amended.

Reconsideration of this application, as amended, is respectfully requested.

### **Reasons for Entry of Amendments**

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, Applicants note that the Interview Summary dated March 23, 2009 indicates that, if the claims are amended as discussed during the interview, the Examiner will consider the amendments and conduct further search to determine patentability.

### **Examiner Interview**

Applicant thanks the Examiner for the courtesies extended to Applicant's representative during the personal interview that was conducted on March 17, 2009. An Examiner Interview Summary was made of record as Paper No. 20090317. During the interview, Applicant's representative discussed the rejection of the independent claims over the cited prior art.

In particular, Applicant's representative noted that Gautier discloses injecting compressed air between upper edges of the duct using a small pipe 20 and that the upper edges of the walls of the duct are immediately welded after the small pipe is withdrawn. In addition, Applicant's representative noted that the pouch of Shaw is completely closed prior to filling, and, as such, does not having any inlet prior to filling. Therefore, it would not have been obvious to modify Gautier in view of Shaw as proposed. While the Examiner agreed with this position, the Examiner noted that independent claim 1 does not sufficiently define the inlet as passing through one of the sidewalls such that Gautier could be considered to read on independent claim 1.

The Examiner indicated that if independent claim 1 was amended to require that the inlet be arranged through one of the side walls, then claim 1 would define over the current rejection. The claims have been amended in the manner discussed during the interview, and are believed to place the application into condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested.

**Rejections under 35 U.S.C. §103**

Claims 1, 2, 4-7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gautier in view of Shaw; claims 3 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gautier in view of Shaw and in further view of Powell; and claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gautier in view of Shaw and in further view of Pederson. This rejection is respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that claims 5-18 have been cancelled, without prejudice or disclaimer, thus rendering portions of these rejection under 35 U.S.C. § 103 moot. Applicant reserves the right to pursue claims 5-18 in continuation/divisional application.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 1 has been amended to recite a combination of elements in a method of gas filling and sealing of a duct intended to be filled with gas and positioned in a container of a collapsible type, said duct being defined by two opposite side walls which are joined along a connecting portion, and comprising an inlet arranged **through one** of the side walls, the method including clamping a part of the container, which part comprises said inlet, between an abutment and a gas module which is axially movable towards the abutment, in such a manner that one of the two side walls included in the duct is allowed, in response to a gas flow supplied from the gas module and

entering the duct through said inlet, to bulge to form a free passage into the duct for filling the same with gas, and after completion of the gas filling, sealing the duct.

Applicant respectfully submits that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Gautier, Shaw, Powell, and Pederson, as discussed more fully during the Examiner Interview discussed above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2-4, Applicant submits that claims 2-4 depend, either directly or indirectly, from independent claim 1, which is allowable for the reasons set forth above, and therefore claims 2-4 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

#### **Allowable Subject Matter**

The Examiner does not specifically state that claims 22-24 would be allowable if rewritten in independent form; however, they have been indicated as being objected-to on the Office Action Summary. Claims 22-24 have not been rewritten in independent form at this time, since it is believed that independent claim 1, from which these claims depend, is allowable.

#### **Office Action**

The Office Action contains numerous characterizations of the invention, the claims, and the related art, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

#### **CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By

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